

**Commissioners Meeting
February 20, 2013**

Present: David Gogel, Mickey Toler, Al Logsdon, Chuck Painter, Tara Lloyd, Attorney Lindsey, Auditor Lynam

Meeting was called to order by President David Gogel at 1:21 P.M.

Jim Heck-Grow Southwest Indiana Workforce-Update

Heck reported on the Elected Officials Meeting that was held on February 7, 2013; a copy of the minutes was presented to the Commissioners. He explained that the liability for missing funds that they had discussed before would be split, based on county population and Spencer County would be responsible for 5% if that ever occurred. Heck needed a signature from Logsdon as the Spencer County Chief Elected Official on the County Chief Elected Officials agreement.

Toler made a motion to approve and sign the County Chief Elected Officials Agreement. Logsdon seconded the motion; motion passed.

Melissa Brockman-Annual Report/Visitors Bureau

Brockman pointed out that 2012 had been a good year for the Visitors Bureau. They have an increase of 72% in the Website traffic and the Innkeepers tax paid into the county increased by 8%. They are working on expanding the fall and Christmas seasons. Just wanted to let the Commissioners know how everything was going.

Discussion of EMA Appointment

Gogel reported that the EMA Advisory Council met in Executive Session and reviewed the applications for EMA Director. According to the Ordinance the Advisory Council acts in an advisory role and makes a recommendation to the Commissioners who have the sole authority to do as they wish. Commissioners met in Executive Session earlier today and now we have to make a decision. Logsdon made a motion to appoint Stephanie Melton as the full time EMA Director based on the recommendation of the EMA Advisory Council. Toler seconded the motion, motion passed. Logsdon asked that Melton be put on the March 5th agenda so they could talk and address any concerns she might have.

Minutes

Toler made a motion to accept the minutes from January 2nd as presented. Logsdon seconded the motion, motion passed.

Highway Report

Painter presented a copy of today's fuel prices so they could look them over and talk about what they want to do. On old Highway 45 we have a pipe where the bottom is gone; this pipe is 104 inches in diameter and 65 feet long. Painter said he had an estimate to replace it and to use a slip line, but has no estimate as to what it will cost to dig the old one out and put the new one in. In order to replace it we would have to close the road for 3 to 4 weeks. Logsdon suggested taking some time and study each option; bring us some ideas of a cost at the March meeting.

Painter said he had talked to Lindsey about having rock hauled to the county garage and he would recommend just using the bid we have for the year and if we want to do something different next year we can put it in the bid package specs.

Engineer Report

Lloyd said Jim Gulick from BLA met with her about wrapping up the phase two books on the bridge inspection reports. She presented a signature page to the Commissioners to be sent back with the report to INDOT once we have verified and reviewed the list of bridges they presented. Painter said he hadn't seen the report, but he was sure that one of the bridges on there was the one we call Humpback Bridge over Crooked Creek. He said this bridge would be expensive to replace and probably only five cars a day travel it. Logsdon asked Painter and Lloyd to study the location and let the Commissioners know what the impact would be if that road was closed.

Lloyd said she was going to send a letter to the different utility companies asking for information on projects they foresee coming up; maybe we could avoid having to cut across a newly paved road in the future.

Logsdon asked Lloyd to call Pete Franzman on the insurance issue on Huffman Mill Bridge. Lloyd explained that she was continuing to work with Kendal Thompson on vacating County Road 300 E. We made a verbal agreement with them to mill out the road and back fill part of it, then turn it over to them. Thompson is now asking for fill dirt, since we don't have any fill dirt available, could we use bottom ash, and if we use bottom ash, do we need to cover it. She said she would go back up there and check before they do anything.

Legal Report

Ordinance Amending Handbook

Lindsey had corrected the hour's columns on the Ordinance Amendment for the Handbook. Toler made a motion to waive the rules of a second reading. Logsdon seconded the motion, motion passed. Toler made a motion to approve Ordinance # 2013-01 incorporating Section 4.1 of the vacation policy and Section 4.66 of the FLMA leave policy. Logsdon seconded the motion, motion passed.

Ordinance on Unsafe Buildings

Lindsey explained that he had looked at the old Ordinance and one thing it doesn't have is a way for the landowner to object and an administrative process prior to somebody filing a lawsuit objecting to the County taking down the building. The relatively new Indiana Code 36-7-9 provides for all that; it is a very thorough and comprehensive unsafe building process; provides for an appointment of an enforcement authority and a hearing authority and those definitions need to be included in our Ordinance, if you are going to adopt that statute. Lindsey prepared an Ordinance that would incorporate into the Spencer County Ordinance Book the Indiana Code Sections; his recommendation was to consider adoption of this Ordinance which would appoint the Building Inspector as the enforcement authority as defined and to appoint the Board of Commissioners as the hearing authority so that if there is a determination that the particular buildings on a certain property are dangerous and need to be removed that any appeals could be made through the Board of Commissioners.

Logsdon made a motion to have the first reading by reference to the title Ordinance on Unsafe Buildings #2013-02. Toler seconded the motion, motion passed.

Resolution In Regard to AK Steel Funds

Lindsey explained that the Redevelopment Commission met on February 7th and reconsidered the bill from H J Umbaugh & Associates for the work they did on Project Sarah in the amount of \$5,500. In addition they approved the bill from Ice Miller for the 4th quarter of 2012 which included the preparation for and the actual trial at the BTR. Toler made a motion to approve Resolution #2013-05 in full for \$5,500 to J H Umbaugh and Ice Miller in the amount of \$64,397.98. Logsdon seconded the motion, motion passed.

ADA Requirements-Phil Brown

Brown presented a list of areas in the County that needed to be checked for ADA Compliance; there is a long list of things that need to be looked at. Brown will make sure all ADA Requirements are met in Spencer County; the ADA coordinator will be the Spencer County Highway Engineer. Once the report is done and filed one copy is to be kept in the Engineers office and one copy will be kept in the Auditor's office. Complaints are to be filed at the Engineers office. Brown has agreed to do the job for \$1,800; he is to keep track of his time, and the time in the Courthouse will be paid for from the Courthouse Maintenance Fund and the rest from Property Maintenance Funds. Logsdon made a motion to approve payment to Phil Brown up to \$1,800 to complete the ADA self evaluation of county buildings. Toler seconded the motion, motion passed.

Tim Schermerhorn

Schermerhorn asked for help in fixing the roads in Bloomfield off of County Road 950 N. He explained that they had a family farm located there, for the past 105 years. He presented a record that he found that said the roads/streets had been accepted by the county in 1871. These streets, West and Meridian are now in need of repair. Schermerhorn reported that the post office had said they will no longer deliver the mail if the roads aren't repaired. Lloyd said she had explained to Schermerhorn that the counties hands are tied because none of this is on county inventory, since it is not on the inventory we are not allowed legally to maintain it. These roads were maintained in the past by the county, but once it was established that they weren't on the inventory they stopped. She said his next step would be to go to the Commissioners and see what they could do, if anything. Logsdon asked if we decide to put them on the inventory, what is the process.

Lloyd explained that the Commissioners would have to make a motion to add it to the county inventory and authorize Lloyd to fill out the necessary paperwork and submit it to the state, then they will review it and send a form back to her saying that X amount of feet has been added to our inventory and it increases our total mileage within the formula that sends back our gas tax money. Painter explained that isn't the only road, we have several; we have been going over them to see which ones aren't on our inventory. We have some that aren't in our inventory and we have been maintaining them, so the question is do we stop maintaining them or do we add them to the inventory.

Logsdon asked what kind of precedent we would be setting if we sent a grader out there before it was put on our inventory. Painter said he would have no problem doing that if you are going to accept it into the county inventory. Lloyd said she felt the Commissioners would be setting a precedent for other people to come forward and ask for the same thing. Lindsey asked if there was something Schermerhorn could do in the interim to help maintain the road while paperwork was being processed, if that's what the Commissioners chose to do.

Logsdon asked Lindsey since there is already a precedent of this road being maintained, unintentionally by the county as a gravel road when it was not on our inventory, and we have been notified it was accepted by Spencer County according to this document, do you see it causing us tremendous problems from a legal standpoint if we were to begin the process of maintaining it again. Lindsey said with these distinctions placed in a motion you could distinguish this from other situations. It would give you a basis for saying this is a special situation; it was maintained, it had been dedicated and accepted by the town in 1872, and was chip and sealed as recently as the 1970's; this would distinguish this from other situations.

Toler said he felt that we had already set a precedent by the fact that the county had been maintaining it even though it was not on the inventory. Logsdon asked if we could legally do any work on these two streets before the state approved it and accepted it into the inventory. Lindsey said he would have to check into that to be sure. Toler said he felt that Lloyd and Painter needed to check on the area as to drainage concerns. If we do accept this we want it to be up to standards so that we know what we spend the money on is going to be there for awhile and drainage is a big portion of that. Logsdon asked for feedback from everyone, Lloyd, Painter and Lindsey for the March 5th meeting.

Logsdon then made a motion to table the issue on Meridian and West streets off of 950 N in Bloomfield area until our next meeting on March 5th. Toler seconded the motion, motion passed.

Gogel explained that the Mariah Hill Regional Sewer District had requested the Commissioners make an appointment for a trustee to the Mariah Hill Regional Sewer District for a three year term; their recommendation was John Gogel. Logsdon made a motion to appoint John Gogel to the Mariah Hill Regional Water District for a period of three years; January 2013 to January 2016. Toler seconded the motion, motion passed.

Gogel explained that we had received a letter from IDEM, Kevin Turner, Region 5 EPA on February 14, 2013 concerning the Troy Refinery Site. The letter stated that 10 above ground tanks and 2 below ground tanks that were decommissioned resulted in a total of 212 tons of recycled steel. A total of 5,955 tons of contaminated soil and debris was delivered and disposed of at a local class D landfill. No further removal actions are anticipated. Letter serves as Turner's recommendation for future development plans by Spencer County; parcels B and C can be used for any variety of commercial uses, such as, light industrial, manufacturing or even a restaurant, the only restrictions that should be placed on both parcels is for residential development use. Gogel ask what our next step would be. Logsdon said he felt that we should have Elliot Englert come to the next meeting to talk to us about that. Lindsey said he would call around for estimates on having the parcels appraised. Logsdon said we should ask Surveyor Herron to see if he can find any cornerstones on these three parcels, this would give a surveyor a starting point and save a little money on that.

Logsdon made a motion to adjourn. Toler seconded the motion, motion passed. Meeting was adjourned at 3:35 P.M.

President

Attest:
